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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

Concluding observations on the initial report of Turkmenistan

Addendum

Additional information provided by Turkmenistan on follow-up to the concluding observations*

[Date received: 29 December 2014]

The Ministry of Justice of Turkmenistan has the honour to transmit the following information about the legislation regulating some of the issues raised by the Country Rapporteur, Ms. Felice Gaer.

1. The Constitution (the latest version was adopted on 26 September 2008)

1. Article 23 of the Constitution stipulates that no one may have their rights restricted or be deprived of their rights, sentenced or punished except in strict accordance with the law.

2. No one may be subject to torture or cruel, inhuman or degrading treatment or punishment, or to medical treatment (with drugs or by a physician) or other experiments against his or her will. A citizen may be detained only on grounds specified by law and by court order or with the approval of a prosecutor. In urgent cases, as clearly defined by law, the duly empowered State authorities are entitled to hold a citizen in temporary detention.

3. Article 43 of the Constitution guarantees judicial protection of honour and dignity and the individual and political rights and freedoms provided for in the Constitution and laws of Turkmenistan.

4. Citizens have the right to file complaints with the court regarding the decisions or actions of State bodies, civil society organizations and persons in positions of authority.

5. In accordance with article 45, no one may be forced to give evidence or testimony against oneself or members of one's immediate family.

* The present document is being issued without formal editing.

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6. Evidence obtained through psychological or physical coercion or other unlawful means has no legal force.

7. Article 108 sets forth the right to professional legal counsel at all stages during legal proceedings.

8. Legal counsel is provided to individuals and organizations by lawyers and other individuals or organizations.

2. Criminal Code (the latest version of the Criminal Code was adopted in 2010)

9. A new article 182-1 has been added to the Criminal Code.

Article 182-1
Torture

10. Torture is any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person, by or at the instigation of or with the consent or acquiescense of a public official or other person acting in an official capacity, for such purposes as obtaining from the person or from a third person, information or a confession, punishing the person for an act he or a third person has committed or is suspected of having committed, intimidating or coercing him or a third person, or for any reason based on discrimination of any kind. Such acts are punishable by deprivation of liberty for a period of 3 to 8 years, with forfeiture of the right to occupy certain posts or engage in certain activities for up to 3 years.

11. The acts specified in article 182, paragraph 1, are punishable by deprivation of liberty for a period of 5 to 10 years, with forfeiture of the right to occupy certain posts or engage in certain activities for up to 3 years, if they are committed:

(a) Against women, minors or persons with manifest signs of disability;

(b) Against an individual known to the perpetrator to be in a vulnerable state or by taking advantage of the victim's defenceless nature;

(c) Against two or more persons;

(d) By two or more persons without prior agreement, or by a group of people with prior agreement;

(e) Against a person or members of his or her family in connection with the performance of his or her official or public duties;

(f) With the use of a weapon or special equipment (objects, devices, implements, etc.);

(g) During a war or threat of war, internal political instability or other emergency or military situations.

12. The acts specified in article 182, paragraphs 1 and 2, are punishable by deprivation of liberty for a period of 8 to 15 years, with forfeiture of the right to occupy certain posts or engage in certain activities for up to 3 years, if they result, through negligence, in the death of the victim or any other serious consequences.

Note

13. No criminal liability is incurred for inflicting severe pain or physical or moral suffering as a result of lawful actions (including legitimate self-defence).

14. Furthermore, the Code provides for criminal liability for actions directly or indirectly related to torture.

Article 155
Involvement of a minor in the commission of an offence

15. If a minor is involved in the commission of an offence by a person aged 18 years or older:

16. The acts specified in article 155, paragraphs 1 and 2, when committed with the use of physical violence or the threat thereof, are punishable by deprivation of liberty for a period of 4 to 8 years.

Article 156
Involvement of a minor in antisocial behaviour

17. The involvement of a minor, by a person aged 18 years or older, in the habitual consumption of alcoholic beverages, the illegal use of intoxicating substances, vagrancy or begging, if carried out:

(b) With the use of physical violence or the threat thereof, is punishable by deprivation of liberty for up to 4 years.

Article 182
Abuse of authority

18. Abuse of authority is the commission by an official of an act that clearly goes beyond his or her remit and entails serious violations of the rights and lawful interests of citizens or organizations or of the legally protected interests of society or the State, when

(b) Carried out with the use of physical violence.

Article 197
Coercion into giving evidence

19. Coercion of a suspect, defendant, victim or witness into giving evidence, or coercion of an expert into giving an opinion under threat, blackmail or other illegal means by investigator or person conducting the preliminary investigation, shall be punishable by deprivation of liberty for up to 3 years.

20. When the act is accompanied by violence or victimization, it is punishable by deprivation of liberty for a period of 3 to 8 years.

Article 211
Death threats or use of violence against law enforcement officers or military personnel

21. Death threats or the use of non-life-threatening violence against law enforcement officers, military personnel or members of their families in connection with the fulfilment of their duty to maintain law and order is punishable by unpaid labour for up to 2 years, or deprivation of liberty for up to 2 years.

22. The use of life- or health-threatening violence against the persons listed in article 211, paragraph 1, is punishable by deprivation of liberty for a period of 3 to 8 years.

3. Code of Criminal Procedure

23. The Code of Criminal Procedure entered into force on 1 June 2009.

24. Pursuant to article 11 of the Code, everyone has the right to protection of their rights and freedoms in the administration of justice.

25. The right to legal counsel is guaranteed under article 24: suspects, accused persons, defendants, convicted offenders and acquitted persons are guaranteed this right, which they may exercise themselves or with the assistance of a lawyer or legal representative as prescribed by the Code.

26. Detectives, investigators, prosecutors and judges must ensure that suspects, accused persons, defendants, convicted offenders and acquitted persons have the option of mounting a defence, using the means established by law, against the accusations made against them, and that their personal and property rights are protected.

Article 72
Prosecutorial oversight in pretrial proceedings in criminal cases

27. The Procurator General and his or her subordinate prosecutors are responsible for overseeing the strict and consistent enforcement of the law in pretrial proceedings.

28. During the pretrial proceedings in criminal cases, the prosecutor is obliged to take timely action, as provided for by law, to prevent any violation of the law, from any source whatsoever.

29. During the pretrial proceedings in criminal cases, the prosecutor must exercise his or her authority independently of all other bodies and officials and subject only to the law.

30. The decisions of the prosecutor, issued in accordance with the law, are binding on all enterprises, institutions, organizations, officials and citizens.

Article 79
Rights and responsibilities of the suspect

31. A suspect is any individual who has been apprehended, or against whom a criminal case has been instituted or preventive measures taken, pursuant to a suspicion that he or she has committed a crime, on the grounds and in the manner prescribed by the Code.

32. The prosecuting authority may not detain a suspect for longer than 72 hours and may not detain a suspect subject to preventive measures in the form of remand in custody for more than 10 days from the time of arrest.

33. When the time limit stipulated in article 79, paragraph 2, has expired, the prosecuting authority must either release the suspect and cancel any preventive measures initiated, or bring criminal charges.

34. If sufficient grounds for charges against a person are found to be lacking, the prosecuting authority must release him or her from custody and cancel any preventive measures initiated within the time frame specified in paragraph 2 of this article.

35. Suspects have the right to:

(1) Know what offence they are suspected of and see the indictment, the detention order or the decision to institute preventive measures;

(2) Testify or refuse to testify regarding the nature of the charges or other circumstances of the case;

(3) Give evidence;

(4) File petitions;

(5) Testify in their native language or in a language in which they are proficient and use the services of an interpreter;

(6) Provide testimony;

(7) Request that sound and video recordings be made during questioning;

(8) Have legal counsel and, where provided for by law, receive free legal aid;

(9) Inform members of their families, close relatives or work colleagues of their detention and their whereabouts;

(10) Participate in investigations undertaken at their own request or that of their lawyer or legal representative;

(11) Access the records of investigations in which they have participated and submit comments thereon;

(12) File objections;

(13) File appeals against any acts (or omissions) and decisions of the detective, the investigator or the prosecutor.

36. The suspect must:

(1) Appear when summoned by the body conducting the criminal proceedings;

(2) Comply with the lawful demands of that body;

(3) Participate in activities related to the investigation and other aspects of the procedure when the body conducting the proceedings deems it necessary.

37. Suspects also have the other rights and responsibilities, provided for in the Code.

Article 80
Rights and responsibilities of the accused

38. The accused is any individual against whom criminal proceedings are brought in the manner prescribed by the Code. An accused person concerning whom a decision has been taken to institute criminal proceedings is referred to as having been indicted by the court. An accused person whose case is being tried is referred to as the defendant. An accused person who is found guilty is referred to as having been convicted, while an accused person who is found not guilty is referred to as having been acquitted.

39. Accused persons have the right to:

(1) Know what offence they are accused of and see the indictment;

(2) Inform members of their families, close relatives or work colleagues of their detention and their whereabouts;

(3) Participate in investigations undertaken at their own request or that of their lawyer or legal representative;

(4) Access the records of investigations and other procedures conducted at their own request or that of their lawyer or legal representative and submit comments thereon;

(5) Testify or refuse to testify with regard to the charges against them, other circumstances of the case and the relevant evidence;

(6) Give evidence;

(7) File petitions;

(8) Testify in their native language or in a language in which they are proficient and use the services of an interpreter;

(9) Provide testimony;

(10) Request that audio and video recordings be made during questioning;

(11) Have legal counsel and, where provided for by law, receive free legal aid, or refuse legal counsel and act as their own counsel;

(12) Meet with a lawyer, once one has become involved in the case, in private and confidentially, without limitation as to the number and duration of such meetings;

(13) See decisions (orders) of the authority conducting the trial, on the use of expert appraisals and read the experts' opinions;

(14) See all the case materials, once the initial questioning or the pretrial investigation has been completed;

(15) File objections;

(16) File appeals against any acts (or omissions) and decisions of the detective, the investigator or the prosecutor.

40. The accused must:

(1) Appear when summoned by the body conducting the criminal proceedings;

(2) Comply with the lawful demands of that body;

(3) Participate in activities related to the investigation and other aspects of the procedure when the body conducting the proceedings deems it necessary.

41. The rights of accused persons who have not attained the age of majority or are deemed mentally incompetent are upheld by their legal representatives in the manner prescribed by the Code. Furthermore, the participation in a case of a lawyer or legal representative may not serve as grounds for limiting or depriving the accused of any rights whatsoever.

Article 81
Participation of a lawyer in criminal court proceedings

42. A lawyer is permitted to take part in the proceedings from the moment a suspect is questioned, from the moment a suspect is charged with an offence or from the moment an arrest warrant or detention order is served on a suspect who has been detained or remanded in custody pending the bringing of charges, but no later than 24 hours after the moment of detention or remand in custody.

43. The lawful interests of suspects, accused persons, defendants and victims may be defended by lawyers and, in cases involving members of a civil society organization, by

representatives of that entity. Close relatives or other representatives of the defendant may serve as legal counsel.

44. The same counsel may not represent two or more suspects, accused persons or defendants simultaneously if there is a conflict of interests between the persons represented.

45. A lawyer shall be invited to participate in the case by the suspect, accused persons or defendant, by his or her legal representative or by other persons at the request or with the consent of that person. If he or she so requests, the participation of a lawyer shall be facilitated by the detective, investigator, prosecutor or judge.

46. In the event that the participation of the lawyer selected by the suspect, accused person or defendant is not possible within the time period stipulated by the Code, the detective, investigator, prosecutor or judge has the right to suggest another lawyer to the suspect, accused person or defendant or to have one appointed by the legal aid bureau.

47. The head of the legal aid bureau or the president of the Bar Association is obliged to appoint a lawyer to defend the lawful interests of the suspect, accused person or defendant. Payment for legal aid is provided for under article 200 of the Code.

Article 82
Obligatory participation of a lawyer

48. The participation of a lawyer during initial questioning, the pretrial investigation and court proceedings is obligatory in the following circumstances:

(1) When so requested by the suspect, accused person or defendant;

(2) In cases involving minors;

(3) In cases involving dumb, deaf, blind or other individuals who, because of a physical or mental disability, are unable to exercise their own right to defence;

(4) In procedures for deciding whether to send the accused for psychiatric assessment;

(5) In cases involving individuals who are not proficient in the language used in the proceedings or who are illiterate;

(6) In cases involving individuals at least one of whom has a lawyer and whose defence creates a conflict of interests;

(7) In cases in which the detective, investigator, prosecutor, court or judge deems the participation of a lawyer necessary and which involve individuals who committed crimes when they were under the age of majority but have reached the age of majority during initial questioning, pretrial investigation or court proceedings, or individuals who for reasons other than those referred to in article 82, paragraph 3, cannot or have difficulty in exercising their right to defence on their own;

(8) In cases involving suspects, accused persons or defendants and particularly serious crimes;

(9) In cases when the accused has been taken into custody as a preventive measure;

(10) In cases involving coercive medical measures;

(11) In court proceedings in which a public prosecutor participates.

49. The participation of a lawyer is obligatory in the cases provided for in article 82, paragraphs 1 to 5, as from the time stipulated in article 81; in the cases provided for in article 82, paragraphs 6 to 8, from the moment of indictment; and in the cases provided for in paragraph 10, from the moment the individual is recognized to be suffering from mental illness.

50. In cases in which the participation of a lawyer is obligatory, if a lawyer is not retained by the suspect, accused person or defendant, or by another person on their behalf or with their consent, the detective, investigator, prosecutor, judge or judges are obliged to ensure that a lawyer is present during the proceedings.

51. In the circumstances set forth in article 82, paragraphs 6, 8, 9 and 11, the presence of a lawyer may not be refused.

Article 83
Refusal to be represented by counsel

52. Suspects, accused persons and defendants may refuse to be represented by counsel at any stage in the proceedings. Such refusal may occur solely on the initiative of the suspect, accused person or defendant and does not impede the continued participation in the proceedings of the public prosecutor or the lawyers representing other suspects, accused persons or defendants.

53. In the event of a refusal to be represented by counsel, there must be a report drawn up by the detective, the investigator and the prosecutor, a pronouncement by a judge and a decision by the court.

54. A suspect, accused person or defendant may not refuse to be represented by a lawyer on financial grounds. In the circumstances provided for in article 82, paragraphs 2 to 5, 7 and 10, the detective, investigator, prosecutor and the court are not bound by a refusal to be represented by counsel.

55. A past refusal to be represented by counsel may not deprive a suspect, accused person or defendant of the right to be represented by counsel in future.

Article 118
Use of sound and video recordings during questioning

56. By decision of the investigator or at the request of the person being questioned, sound or video recordings may be made during questioning of suspects, accused persons, witnesses or victims.

57. The investigator decides whether to make a sound or video recording and informs the person being questioned before the session begins.

58. Sound and video recordings must be uninterrupted, must fully reflect the testimony of the persons being questioned and must show the session in its entirety. If the recording is suddenly stopped or interrupted, the investigator must indicate in the record the cause and duration of the interruption. Taking sound or video recordings of a part of the session or repeating testimony during the same session specifically for the sound or video recording is prohibited.

59. At the end of the session, the sound or video recording must be played back in its entirety to the person undergoing questioning. Additions to the recorded testimony made by the person being questioned must be included in the recording. The recording must end with a statement by the person being questioned that the recording is accurate.

60. Testimony given during questioning with the use of sound or video recording is entered into the record of the questioning in accordance with article 117 of the Code.

61. The record must also contain the following:

(a) A note stating that sound or video recordings were used and that the person being questioned was informed of this;

(b) Information on the equipment used and the circumstances of the sound or video recording, and the date and time for recording;

(c) A statement on the use of sound and video recordings by the person being questioned;

(d) A note stating that the sound or video recording has been played back or shown to the person being questioned;

(e) Statements by the person undergoing questioning and the investigator, attesting to the fact that the record of the questioning and the sound or video recording are accurate. The sound or video recording is kept in the case file and is sealed at the end of the pretrial investigation.

62. If sound or video recordings of testimony are played back during another investigation, the investigator must note this in the report on that investigation.

63. Pursuant to the legislation in force, the Procurator General and his or her subordinate prosecutors must monitor compliance with the law in pretrial detention facilities.

4. In 2002, the Act on State Guarantees of the Rights of the Child was adopted. On 3 May 2014, a revised version of the Act was approved

Article 44
Protection of the rights of children being brought to justice

64. The detention, arrest or other restriction or deprivation of a child's liberty may take place only in the circumstances and under the conditions specified by law, and the child's parents must be promptly informed.

65. The manner and conditions in which children may be subjected to deprivation of liberty are prescribed by law.

66. Pursuant to article 394 of the Code of Criminal Procedure, the presence of a teaching professional is obligatory during the questioning of victims or witnesses aged less than 14 years, and — at the discretion of the courts — the questioning of a victim or witness aged between 14 and 16 years must also take place in the presence of a teaching professional; whenever necessary, the parents or other legal representatives of the minor are to be called on to be present. With the permission of a judge or the presiding judicial officer, the above individuals may question victims and witnesses.

67. Article 512 of the Code of Criminal Procedure, on questioning a suspect, accused person or defendant below the age of majority, stipulates that:

68. In criminal cases involving minors, a lawyer is to be present as from the first time the minor is interviewed as a suspect or accused person, and if he or she is to be detained or remanded in custody, until such time as charges are brought. If a juvenile suspect, accused person or defendant, or his or her legal representatives, has not retained the services of a lawyer, the detective, investigator, prosecutor or court must arrange representation by a lawyer.

69. If a minor who is suspected or accused of committing a crime has parents or other legal representatives, their presence during the proceedings is obligatory. If they are absent, representatives of a tutorship or guardianship agency must be present. They must be allowed to participate in the case, at the request of the investigator, as from the time of the first interview. Once preliminary investigation has been concluded, the investigator may order that the minor not be allowed to see details of the case file that could have a negative impact on him or her; the minor's legal representatives may be informed of the contents. A reasoned decision by the investigator may lead to the removal of a legal representative from the proceedings if there is sufficient reason to believe that his or her actions may be prejudicial to the interests of the minor or impede the impartial consideration of the case, in which event a different legal representative may be called upon to participate.

70. A juvenile suspect, accused person or defendant must be interviewed during the daytime and questioning may not continue uninterrupted for longer than two hours and for a combined total of four hours a day. Minors must be questioned in the presence of a lawyer, a legal representative and, when necessary, a teaching professional.

71. Article 514 of the Code of Criminal Procedure also provides for the presence of a teacher or psychologist.

72. The presence of a teacher or psychologist is obligatory in proceedings involving a juvenile suspect, accused person or defendant who is under 16 years of age or who has reached 16 years of age but exhibits signs of mental retardation. In other circumstances, a teacher or psychologist may be invited to participate at the discretion of a detective, investigator, prosecutor or the court, or at the request of the lawyer or legal representative.

73. Pursuant to article 517 of the Code, a minor's legal representative must be present during the court proceedings.

74. The parents or other legal representatives of juvenile defendants and victims must be summoned to be present at court hearings. They have the right to be present during the examination of evidence in court, to submit evidence, testify, file petitions and objections, lodge appeals against the actions or decisions of the court, take part in appeal hearings and explain the reason for the appeal. These rights must be explained to them during the preparatory stage of the trial. Legal representatives must be present in the courtroom throughout the proceedings, and may be called on by the court as witnesses if they so agree.

5. The Act on the Legal Profession and Legal Practice, adopted on 10 May 2010, guarantees the provision of legal aid

Article 4
Guaranteed legal aid

75. The State ensures that everyone is provided with the necessary professional legal assistance.

76. The State guarantees that all physical and juridical persons in Turkmenistan have equal rights to legal aid and information on its nature and on how to obtain it.

77. The State ensures the provision of free legal aid and the protection of the rights of specific individuals in such circumstances as are provided for by law.

Article 14
Rights and responsibilities of the lawyer

78. A lawyer has the following rights:

79. To hold confidential meetings with his or her client (including when the client is remanded in custody), without limitation as to the number and duration of such meetings.

6. Penalties Enforcement Code (Adopted 25 March 2011 and entered into force on 1 June 2011)

80. The application of the legislation for the enforcement of penalties in Turkmenistan is based on the universally accepted standards and principles of international law relating to the enforcement of criminal penalties and the treatment of convicted persons, including the strict application of the guarantee of protection against torture, violence and other cruel, inhuman or degrading treatment.

81. In the event that the provisions of an international agreement to which Turkmenistan is party differ from the provisions of the Code, the provisions of international law will take precedence.

82. The purposes of domestic legislation on the enforcement of criminal penalties are to rehabilitate criminals, prevent them from re-offending and forestall the commission of crimes by others.

83. Domestic legislation on the enforcement of criminal penalties serves to regulate the procedures and conditions under which criminal sentences are enforced and served, define how the purpose of the sentence will be fulfilled through its enforcement, ensure the protection of the rights, freedoms and lawful interests of convicted persons and assist in their social reintegration.

84. According to article 7 of the Code, the State must guarantee the protection of the rights, freedoms and lawful interests of convicted persons and ensure that the conditions established by law for the serving of sentences and the use of other corrective measures are met and that social justice is respected.

Article 8
Fundamental rights of prisoners

85. Prisoners have the right to be informed of their rights and obligations and of the terms and conditions in which the sentence handed down by the court is to be served. Upon their arrival at a detention facility, they must be informed by the administration, in writing, about the regulations governing the treatment of prisoners, the facility's rules and the procedure for filing complaints. In certain situations, this information may be transmitted to the prisoner orally. Prisoners must be informed well in advance and sign an acknowledgement concerning any changes to the terms and conditions for serving their sentences.

86. Prisoners have the right to be treated courteously by staff, with a view to preserving their self-esteem and sense of responsibility. They must not be subjected to torture or to cruel, inhuman or degrading treatment. Coercive measures may be used on them only in accordance with the law.

87. Irrespective of whether or not they have given their consent, prisoners may not be subjected to medical or other experimentation that could constitute a threat to their life or health.

88. Prisoners have the right to submit proposals, claims and complaints to the prison administration, its governing body and other authorities, the courts, the prosecution service and civil society organizations, and — if all domestic remedies have been exhausted — to international organizations.

89. Prisoners have the right to provide clarifications, correspond with others and submit the proposals, claims and complaints provided for in article 8 (d) in their native language or a language in which they are proficient and, if necessary, to use the services of an interpreter in accordance with the established procedure.

90. Prisoners have the right to health care, including primary health care and specialized care as outpatients and inpatients, depending on the diagnosis. If necessary, or at the prisoner's request, an independent medical examination may be authorized.

91. Prisoners have the right to counselling by the detention facility's resident psychologist and other qualified individuals. They may take part in activities related to counselling if they so agree.

92. Prisoners have the right to receive pensions and State benefits in accordance with national legislation.

93. For the purposes of receiving qualified legal assistance, prisoners have the right to use the services of lawyers or other qualified individuals.

94. Foreign prisoners have the right to maintain contact with the diplomatic representation and consular institutions of their country of citizenship; citizens of countries without such institutions in Turkmenistan and stateless persons have the right to maintain contact with diplomatic representatives of countries that have undertaken to safeguard their interests, or with any national or international bodies that are concerned with their protection.

95. Prisoners must be informed without delay of the death or serious illness of any member of their immediate family.

96. Prisoners with serious physical, mental, intellectual or sensory impairments enjoy the same rights as all other categories of prisoners.

97. The manner in which the rights of prisoners are to be exercised is set out in the Code and other pieces of national legislation.

98. The enjoyment by prisoners of their rights should not result in any violation of the internal regulations of the detention facility or infringe the rights, freedoms or lawful interests of other individuals.

Article 21
Access to places of detention

99. The following individuals have the right to visit places of detention without special authorization, in the exercise of their professional duties:

(1) The Procurator General of Turkmenistan, his or her deputies and duly authorized prosecutors as well as other prosecutors directly monitoring compliance with the legislation in the way criminal sentences are enforced in a specific locality;

(2) Officials of high-level prison authorities;

(3) Court officials and other individuals participating in court cases in the vicinity of the detention facility;

(4) Provincial, district or municipal governors in their respective localities;

(5) Members of supervisory and other committees responsible for monitoring the activities of detention centres in their respective localities.

100. Lawyers and other individuals who are qualified to provide legal aid and have been retained by detainees have the right to visit them in prison in accordance with agreements on legal aid concluded as prescribed by national law.

101. Representatives of civil society organizations that monitor the work of the authorities responsible for the enforcement of penalties may visit detention facilities, as prescribed by national law.

102. Members of the diplomatic and consular institutions of foreign States and international organizations may visit prisoners, as prescribed by national law.

103. Media representatives and other individuals have the right to visit detention facilities with special authorization from the administrators of those facilities or the relevant regulatory body.

104. Filming, photographing and video recording of detainees and the conduct of interviews with them, including with the use of sound or video recording, may be authorized by the prison administration or the relevant regulatory body, with the written consent of the detainees concerned.

105. To avoid causing harm to a juvenile offender through unnecessary publicity or damaging his or her reputation, the administrators of juvenile detention facilities are obliged to guarantee the minor's right to confidentiality. Filming, photographing and video recording of juvenile offenders and the conduct of interviews with them, including with the use of audio or video recording, may be permitted only if they so desire and upon receipt of the informed consent of the minor concerned or his or her parents or legal representatives. Information, including images, that might reveal the identity of juvenile offenders may not be published.

106. Filming, photographing and video recording of installations guaranteeing the security of the detention institution and the safety of the detainees may be allowed by permission of the prison administration or the relevant regulatory body.

Article 43
Places of detention

107. Persons sentenced to deprivation of liberty serve their sentences in detention facilities in the territory of Turkmenistan, with due regard for the need to help them reform, maintain meaningful contact with their families and avoid committing further offences. In line with their internal regulations, detention facilities keep records on detainees, entering the information in the appropriate registers.

108. On grounds of health or safety, detainees may be transferred to the corresponding detention facility.

109. Persons sentenced to deprivation of liberty are sent to the local detention facility to serve their sentence.

110. Foreign nationals detained in Turkmenistan may be returned to their country of citizenship to complete their sentence, pursuant to the international agreements to which Turkmenistan is party.

111. Places of detention must meet international standards and are subject to regular inspection by high-level authorities and other competent bodies in line with national law.

Article 51
Separation of prisoners in detention facilities

112. Separate facilities in detention centres are provided, as follows: men are separated from women, minors from adults.

113. Persons serving their first prison sentence are held separately from those who have already been detained on previous occasions. Women, first-time offenders and repeat offenders may be detained separately in the same detention centre. Especially dangerous recidivists are to be held in isolation from other prisoners.

114. There are separate detention facilities for former court officials, law enforcement officers and persons performing compulsory military service. Other detainees may also be held in these facilities.

115. Detention facilities for female prisoners must be staffed by women; although they have access to the entire premises, this must not prevent their male colleagues from performing their professional duties.

116. The requirements for separate detention set out in article 51 do not extend to prison hospitals or corrective facilities with childcare units, except for individuals listed in the third paragraph of the article.

117. Detainees with infectious diseases must be held separately, away from healthy prisoners.

Article 54
Monitoring and surveillance by technical means

118. The prison administration is entitled to use audiovisual, electronic and other technical means to prevent breakouts and other crimes or violations of the conditions of punishment and to gather the necessary information about the behaviour of detainees.

119. The prison administration is obliged to obtain written acknowledgement that detainees have been informed about the use of technical means of carrying out monitoring and surveillance that also perform defensive functions and whose activation might endanger the lives and health of prisoners.

120. The Ministry of Internal Affairs of Turkmenistan selects the technical equipment for monitoring and surveillance and defines the terms of its use.

Article 60
Meetings of prisoners with relatives, lawyers and other persons

121. The prison administration must allow detainees the following visiting rights on the premises of the detention facility: short visit – for up to four hours; extended visit – for up to three days. Under the circumstances provided for in the Code, prisoners may be granted longer visits of up to three days with the right to stay outside the detention facility; in such cases, the director of the facility determines the procedure for and location of the visit.

122. Short visits with family members or other persons are permitted in the presence of a representative of the prison administration. Visits with persons who are not relatives of the prisoner are permitted only at the discretion of the administration.

123. Extended visits with the right to stay overnight are permitted only with close relatives (spouse, parents, children, adoptive parents, adopted children, siblings, grandparents and grandchildren) and, in exceptional circumstances and with the authorization of the prison director, with other persons.

124. Detainees in prison hospitals may be granted extended visits by permission of the director of the institution and taking due account of their state of health.

125. Detainees are permitted, on request, to exchange an extended visit for a short visit; in juvenile detention centres, extended visits with a stay outside the premises can be exchanged for short visits outside the premises. The procedure for exchanging one type of visit for another must be set out in the detention facility's internal regulations.

126. A person who is being held in a juvenile detention centre or a temporary detention facility or has been assigned to do housekeeping at a prison or hospital and who gets married while serving his or her sentence is allowed an extended visit of up to three days, in addition to the standard visit entitlements and incentives.

127. Foreign nationals in detention are permitted to meet with diplomatic or consular representatives from their country of citizenship; citizens of countries without diplomatic or consular representation in Turkmenistan and stateless persons have the right to meet with diplomatic representatives of countries that have undertaken to safeguard their interests, or with representatives of national or international authorities concerned with their protection.

128. In order to ensure that they receive legal aid, detainees may, at their request, be granted an unlimited number of short meetings with their lawyer or other individuals qualified to provide legal counsel. If the detainee so desires, the meeting must be conducted in private, out of the earshot of third parties and without the use of listening devices.

129. In the event that a detainee contracts a life-threatening disease, the director of the detention facility must grant the detainee's close relatives the opportunity to visit.

Article 63
Telephone calls of prisoners

130. Prisoners have the right, in conformity with procedures specified in the internal regulations of the prison, to speak with close relatives at least once a week, and to speak with other persons in situations related to important events or to their life or work upon release, for a maximum of 15 minutes at a time. Prisoners pay for the telephone conversations through their own means or those of relatives or other persons. Where the prison administration lacks the technical facilities for such conversations, short visits once a month may be permitted in lieu of telephone conversations.

131. When a detainee is placed in quarantine on arrival at a prison, or in exceptional personal circumstances, the prison administration may grant him or her the possibility to make a telephone call on request.

132. Detainees in high security prisons and those in punishment and disciplinary confinement, special cells and solitary confinement are permitted to make or receive telephone calls solely in exceptional personal circumstances.

133. Telephone calls between detainees held in different detention facilities are prohibited. In exceptional circumstances and with the permission of the prison director, a detainee may be allowed to hold a telephone call with a relative being held in detention.

134. The telephone calls of detainees may be monitored by prison staff.

Article 125
Procedures for imposing penalties on juvenile offenders

135. Punishment in the form of torture or cruel, inhuman or degrading treatment is prohibited in juvenile detention centres.

136. Juvenile offenders in detention may not be subjected to any punishment that may harm their physical or psychological health, including:

(1) Deprivation of food or reduction in daily food rations;

(2) Deprivation of or reduction in visits or contact with family.

137. In juvenile detention facilities, labour may not be permitted as a form of punishment.

138. Any juvenile offender subjected to punishment in solitary confinement must undergo a compulsory medical examination, in line with article 93 of the Code.